

BOARD OF ZONING APPEALS
MINUTES
May 23, 2006

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas was held at 1:30 p.m., on May 23, 2006, in the Planning Department Conference Room, Tenth Floor of City Hall, 455 N. Main, Wichita, Kansas.

The following board members were in attendance:

BICKLEY FOSTER, DWIGHT GREENLEE arrived at 1:55pm, JUSTIN GRAHAM, and JOSHUA BLICK

Board members absent.

ERMA MARHAM, JAMES RUANE AND STEVEN ANTHIMIDES

City of Wichita staff present:

HERB SHANER – Office of Central Inspection present.

SHARON DICKGRAFE – City of Wichita, Law Department

The following Planning Department staff members were present:

JESS MCNEELY, Secretary.

YOLANDA ANDERSON, Recording Secretary.

FOSTER We have a quorum and we will start the meeting at 1:55pm.

FOSTER First item on the agenda is the minutes of April 25, 2006. Is there a request for any changes? If there is no request for changes, I will ask that we approve the April 25, 2006 minutes.

GREENLEE Moved

GRAHAM Seconded

FOSTER Moved by Greenlee and seconded by Graham to approve minutes.

Motion carried 4-0 unanimously

FOSTER Are we ready to hear the first case BZA2006-34 staff report by Jess McNeely?

McNEELY Good afternoon, Jess McNeely, I am here to present BZA2006-34.

BACKGROUND: The applicant is requesting a variance to permit the internal illumination of a building sign, and to allow the building sign to project 12 inches from the building wall. The sign is for a planned Galichia Heart Hospital emergency facility. The site already houses the Galichia Heart Hospital, and the Galichia Medical Group, each with existing signage. The applicant identifies the need for building signage on the new emergency facility (see the attached letter) on the south side of the site, which would be clearly visible from a Woodlawn vehicular entrance 700 feet from the building.

The site is zoned “GO” General Office which permits building identifications signs with an area of up to 32 square feet, with letters no greater than 15 inches in height, non-illuminated, and not projecting further than two inches from the building wall. The proposed sign meets all requirements of the sign code except for the proposed internal illumination, and projecting greater than two inches from the building wall.

Surrounding property to the south, east, and west is developed with single-family neighborhoods. North of the site is vacant or developed with other medical uses. Southwest of the site is a large office use. The existing single-family residences in the area are oriented such that they face away from the proposed signage.

ADJACENT ZONING AND LAND USE:

NORTH	“GO” General Office; Vacant, medical services
SOUTH	“SF-5” Single-family Residential; Single-family residences
EAST	“SF-5” Single-family Residential; Single-family residences
WEST	“TF-3” Two-family Residential; Single-family residences

The five criteria necessary for approval as they apply to variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the proposed signage is for an emergency facility, on a large office site, along a heavily traveled arterial street, with the proposed sign 700 feet from the public street. The need for visibility of this sign makes this property unique.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested for internal illumination of a building sign, which projects greater than two inches from the building wall, for an emergency facility, will not adversely affect the rights of adjacent property owners. No surrounding properties directly face the proposed sign.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant, inasmuch as the building sign may not be adequately visible for an emergency facility 700 feet from a heavily traveled arterial street without the proposed internal illumination.

PUBLIC INTEREST: It is the opinion of staff that the requested variance for an internally illuminated building sign projecting more than two inches from the building wall would not adversely affect the public interest, inasmuch as the increased visibility of the emergency building sign would serve in the community health/safety interest.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the requested variance for an internally illuminated building sign projecting more than two inches from the building wall would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will make it easier to locate the emergency facility, and it is an identification sign in nature with no business name.

RECOMMENDATION: It is staff’s opinion that the requested internally illuminated sign, projecting more than two inches from the building wall is appropriate for identification of an emergency facility on a large office lot along a heavily traveled arterial street. Should the Board

determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variance to permit an internally illuminated building identification sign, which projects 12 inches from the building wall for an emergency facility, be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

McNEELY Are there any questions of staff?

FOSTER What is the size of the height?

McNEELY 15 inch letters

FOSTER Any board members have any questions?

GREENLEE What is the zoning district?

FOSTER In a GO district. We will open this up for discussion. We will now call the applicant to the podium.

Michael Bankston, 319 S Oak, Wichita KS, this is what is termed an identification sign. There are 3 conditions we have to meet which is 15 inch letters, a 120 volt bulb restriction and we are using that to illuminate the emergency room identification sign., and the sign is not to project more than 2 inches from the building, this sign is projecting only 12 inches out. We want the 15 inch letters lit up for viewing at night and visibility. It will increase the visibility and help patients to locate the emergency room.

FOSTER Does the board have any questions?

GRAHAM What is the viewing distance?

BANKSTON The viewing distant for 15inch letter is 350 feet but with it illuminated at night the visibility is greater but I did not find the distance measurement for it.

FOSTER Do you agree to the conditions?

BANKSTON Yes, I agree to the conditions.

FOSTER Jess, did the same people get notified as last time?

MCNEELY Yes.

FOSTER Well, we do not have any residents here. Is there a motion?

GRAHAM I move that the case be approved as mentioned in the secretary's report with the conditions stipulated.

GREENLEE Seconded

FOSTER All those in favor say aye?

Motion 4-0 carried

Herb Shaner, OCI, variance on a BZA non-conforming sign at 20 feet above the ground to 49 feet that is completed. I talked Julie at the school board last week about the landscaping and that is underway. That is all that I have and everything is completed.

FOSTER I do want to know why everyone completes what we say, is it because do we do it right?

SHANER Yeah, it is because we enforce and you do it right.

FOSTER I want to thank Sharon Dickgrafe for providing the additional information on the court decision.

FOSTER We will adjourn at 2:25pm.